GPO 262058

The Pharmacy and Drugs Act

14th March, 1908, as amended March 14, 1910.
With amendment of March 15, 1918, and March 18, 1924, and March 17, 1926, and March 5, 1934, and March 25, 1936, and April 1, 1938, and March 13, 1942.

RULES AND REGULATIONS

Adopted by the Board of Pharmacy of the State of Virginia, at a Meeting held 9th to 11th June, 1908, for the Enforcement of the Pharmacy and Drugs Act, 14th March, 1908, With Amendment of March 15, 1918, and March 18, 1924, and March 17, 1926, and March 5, 1934, and March 25, 1936, and April 1, 1938, and March 13, 1942.

RICHMOND:
Division of Purchase and Printing
1942

CORRECTIONS

The following corrections are noted in the Laws and Regulations contained in the pamphlet covering the Regulation of the Practice of Pharmacy.

Page 11.
Amended Sec. 1666, relating to composition and appointments to State Board of Pharmacy. Terms of members to begin June 30 instead of March 1. (Chap. 188, Acts of Assembly of 1944.)

Page 22.
Amended Sec. 1698-a and 1698-c, classifying Hormones and Hormone preparations as Dangerous Drugs.
(Chap. 258, Acts of Assembly of 1944.)

Page 25.
Amended Sec. 1 Chap. 86, Acts of Assembly of 1934, by adding new section (12 a) classifying Isonipecaine (Demerol) as a Narcotic Drug. (Chap. 251, Acts of Assembly of 1944)

The State Commission on Administrative Agencies, as of Dec. 31, 1944, disapproved of the following in the Rules and Regulations of the State Board of Pharmacy:

Page 43.
Reg. 9.—Delete, beginning on line six, the following language: *"provided, there is a public need of a pharmacy in such locality."*

Page 46.
Reg. 25.—Delete entire regulation.

Page 46.
Reg. 26.—Delete entire regulation.

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RICHMOND:
DIVISION OF PURCHASE AND PRINTING
1942

The Pharmacy and Drugs Act

To Regulate the Practice of Pharmacy and the Composition, Branding, Possession, Dispensing and Sale of Drugs, Poisons and Narcotics, and to repeal certain existing acts in relation thereto.

APPROVED MARCH 14, 1908

Sec. 1655. Virginia Pharmaceutical Association; what real estate it may hold.—The Virginia Pharmaceutical Association, incorporated by an act of the General Assembly, approved March third, eighteen hundred and eighty-six, shall continue a corporation under the name of "The Virginia Pharmaceutical Association." Said association shall not hold, at any one time, real estate in excess of ten thousand dollars in value.

Sec. 1656. Its objects.—The object of said association is to unite the pharmacists and druggists of this State for mutual aid, encouragement, and improvement, encourage scientific research, develop pharmaceutical talent, elevate the standard of professional thought, and ultimately restrict the practice of pharmacy to qualified pharmacists and druggists.

Sec. 1657. Punishment for unlawful manufacture, et cetera, of adulterated, et cetera, drug.—It shall be unlawful for any person to manufacture, sell, or offer for sale any drug which is adulterated or misbranded, within the meaning of this chapter; and any person who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not less than twenty nor more than one hundred dollars or imprisoned in jail not exceeding six months, or both, in the discretion of the court; and for each subsequent offense and conviction thereof shall be fined not exceeding two hundred dollars or imprisoned in jail not exceeding six months, or both, in the discretion of the court.

Sec. 1658. Rules and regulations to be made by board of pharmacy.—The board of pharmacy shall make uniform rules and regulations for carrying out the provisions of this chapter, including the collection and examination of specimens of drugs manufactured or offered for sale in this State.

Sec. 1659. Guaranty to protect dealer from prosecution.—No dealer shall be prosecuted under the provisions of this chapter who can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in this State or in the United States, from whom he purchased such articles that the same when purchased in this State are not adulterated or misbranded within the meaning of this chapter,

or if purchased out of this State, but within the United States, when the said dealer can establish a guaranty signed by the person or persons, residing in the United States, from whom he has purchased such article to the effect that the same are not adulterated or misbranded within the meaning of the national food and drug act of June thirtieth, nineteen hundred and six. Said guaranty, to afford protection in either case, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this chapter.

Sec. 1660. Examination of drugs by the board; notices of violations of this chapter; chemical analyses as evidence.—The examination of specimens of drugs shall be made under the direction and supervision of the board of pharmacy, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this chapter, and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this chapter, the board of pharmacy shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this chapter have been violated by such party, then the board of pharmacy shall at once certify the facts to the Commonwealth's attorney of the city or county wherein the offense occurred, with a copy of the results of the analysis of the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. It shall be the duty of the Department of Agriculture and Immigration of this State to make such chemical analysis as may be necessary for carrying out the provisions of this chapter. In all prosecutions arising under this chapter the certificate under oath of the analyst or other officer making the analysis or examination therein shall be prima facie evidence of the facts therein certified.

Sec. 1661. Duty of Commonwealth's attorney in case of report of violation of law.—It shall be the duty of each Commonwealth's attorney to whom the board of pharmacy shall report any violation of this chapter to cause appropriate proceedings to be commenced and prosecuted in the corporation court of the city or the circuit court of the county wherein the offense occurred, without delay, for the enforcement of the penalties as in such case provided.

Sec. 1662. Definition of terms for purposes of this chapter.—As used in this chapter, unless the context otherwise indicates:

(1) The term "original package," shall be construed to mean the original carton, case, can, box, bottle, vial or other receptacle, put up by the manufacturer or wholesaler with his label attached, making one complete package of the drug article.

(2) The term "drug," includes (a) all substances and preparations recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any official supplement to any of them; and (b) all substances and preparations intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (c) all substances, and preparations, other than food and cosmetics, intended to affect the structure or any function of the body.

(3) The term "cosmetic" includes all substances and preparations intended for cleansing, or altering the appearance of, or promoting the attractiveness of, the person, except soap

(4) The word "person," shall be construed to import both the plural and singular, as the case demands, and shall include individuals, partnerships, corporations, companies, societies and associations.

(5) The word "pharmacy" shall include every place (except as hereinafter provided) in which drugs, medicines or poisons are retailed or dispensed, or are displayed for sale at retail, or are kept in stock in other than manufacturers' or wholesalers' original packages, or in which physicians' prescriptions are compounded.

(6) The term "label" means the principal display or displays of written, printed, or graphic matter (1) upon any drug or cosmetic, or the immediate container thereof, and (2) upon the outside container or wrapper, if any there be, of the retail package of any drug or cosmetic.

(7) The term "labeling" includes all labels and other written, printed, and graphic matter, in any form whatsoever, accompanying any drug or cosmetic.

(8) The term "advertisement" includes all representations of fact or opinion disseminated to the public in any manner or by any means other than by the labeling.

(9) The term "official compendium" means the United States Pharmacopoeia, Homeopathic Pharmacopoeia of the United States, National Formulary, or any supplement to any of them, official at the time any drug to which the provisions thereof relate is introduced into commerce.

(10) The term "board" means the State Board of Pharmacy.

(11) The term "patent or proprietary medicines," shall include only medicines prepared according to a private formula or a secret process or under a trade-mark of the manufacturer or owner, and sold under a trade name in an original package on the label of which appear the disease or diseases for which the medicine is intended to be used and specific directions for its administration.

Sec. 1663. Adulterated drugs.—A drug shall be deemed to be adulterated:

(1) If it has been adjudicated to be such by final judgment under the Food and Drug Act of the United States.

(2) (a) If it consists in whole or in part of any filthy, putrid, or decomposed substance, or (b) if it has been prepared, packed, or held under unsanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health; or (c) if its container is composed of any poisonous or deleterious substance which may render it injurious to health.

(3) If its name is recognized in an official compendium, or if it purports to be a drug the name of which is so recognized, and it differs from the standard of strength, quality, or purity as determined by the tests or methods of assay set forth therein; except that whenever tests or methods of assay have not been prescribed therein, tests or methods of assay which are accurate and adequate shall be used. Provided that a drug may bear a name recognized in an official compendium and differ in strength or composition from the official standard, but if it does so differ, the label shall carry a plain statement to the effect that it is not to be confused with the drug or preparation of the same name recognized in an official compendium, and a caution that it must not be dispensed when the official drug or preparation is specified, and in addition to such statement, the label shall show quantitatively the active ingredients of the formula of the drug or preparations bearing such identical name.

Whenever a drug is recognized in both the United States Pharmacopoeia and the Homeopathic Pharmacopoeia of the United States it shall be subject to the requirements of the United States Pharmacopoeia unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the Homeopathic Pharmacopoeia of the United States and not to those of the United States Pharmacopoeia.

(4) If its identity or strength differs from, or its purity or quality falls below, that which it purports to be or is represented to possess.

(5) If any substance has been (a) mixed or packed therewith so as to reduce its quality or strength, or (b) substituted wholly or in part therefor.

Sec. 1663-a. Adulterated cosmetics.—A cosmetic shall be deemed to be adulterated:

(1) If it has been adjudicated to be such by final judgment under the Food and Drugs Act of the United States.

(2) If it bears or contains any poisonous or deleterious substance which may render it injurious to health under such conditions of use as are customary or usual.

(3) If it consists in whole or in part of any filthy, putrid, or decomposed substance.

(4) If it has been prepared, packed, or held under unsanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.

(5) If its container is composed of any poisonous or deleterious substance which may render it injurious to health.

Sec. 1664. Misbranded drugs.—A drug shall be deemed to be misbranded:

(1) If it has been adjudicated to be such by final judgment under the Food and Drugs Act of the United States.

(2) If its labeling is false, deceiving or misleading in any particular.

(3) If it is dangerous to health under the conditions of use prescribed in the labeling or advertising thereof.

(4) If in package form it fails to bear a label containing (a) the name and place of business of the manufacturer, packer, seller, or distributor; and (b) an accurate statement of the quantity of the contents in either terms of weight, measure, or numerical count, except granular effervescent salts; provided, that under subdivision (b) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the board, where compliance with such provisions would be impracticable.

(5) If any word, statement, or other information required on the label under any provision of this chapter is not prominently placed thereon in such a manner as to be easily seen and in such terms as to be readily understood by purchasers and users of such articles under customary conditions of purchase and use, due consideration being given to the size of the package.

(6) If it contains any quantity of the following substances: Any alcohol, acetanilid, alpha eucaine, barbituric acid, beta eucaine, bromal, cannabis, carbromal, chloral hydrate, chloroform, coca, cocaine, codeine, heroin, mariahuana, morphine, opium, paraldehyde, peyote, sulphomethane, or any substance chemically derived therefrom, except derivatives of coca leaves which do not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made, unless it is an article recognized in the United States Pharmacopoeia, the National Formulary, or Homeopathic Pharmacopoeia of the United States, and conforms to the standard as laid down in the United States Pharmacopeia, the National Formulary, or Homeopathic Pharmacopoeia of the United States, and is labeled and sold or dispensed as such, or unless dispensed on the written order of a member of the medical profession, or unless its label bears the name and quantity or proportion of such substances or derivative.

(7) Whenever a drug is recognized in both the United States Pharmacopoeia and the Homeopathic Pharmacopoeia of the United States it shall be subject to the requirements of the United

States Pharmacopoeia with respect to packaging and labeling unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the Homeopathic Pharmacopoeia of the United States, and not to those of the United States Pharmacopoeia, provided that the method of packing and labeling may be modified with the consent of the board.

(8) (a) If it is a drug and its container is so made, formed, or filled as to mislead the purchaser; and (b) if it is an imitation of another drug; or (c) if it is offered for sale under the name of another drug.

(9) When construing and enforcing the provisions of this chapter with respect to labeling and advertisements, the term "antiseptic" shall be deemed to have the same meaning as the word "germicide," except, however, in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.

(10) The board is hereby directed to promulgate regulations exempting from any labeling or packaging requirements of this chapter drugs which are, in accordance with the practice of the trade, processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packaged, on condition that such drugs are in conformity with the provisions of this chapter upon removal from such processing, labeling, or repacking establishment.

Sec. 1664-a. Misbranded cosmetics.—A cosmetic shall be deemed to be misbranded:

(1) If it has been adjudicated to be such by final judgment under the Food and Drugs Act of the United States.

(2) If the labeling is false or misleading in any particular, or if it is injurious to health under the conditions of use prescribed in the labeling or advertising thereof.

(3) If in package form it fails to bear a label containing (a) the name and place of business of the manufacturer, packer, seller, or distributor; and (b) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; provided, that under subdivision (b) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the board, where compliance with such provisions would be impracticable.

(4) If any word, statement, or other information required on the label under any provisions of this chapter is not prominently placed thereon in such a manner as to be easily seen and in such terms as to be readily understood by the purchasers and users of such articles under customary conditions of purchase and use, due consideration being given to the size of the package.

(5) The board is hereby authorized to promulgate regulations excepting from any labeling requirement of this chapter cosmetics which are, in accordance with the practice of the trade, processed, labeled, or repacked in substantial quantities at establishments other than those where originally processed or packed, on condition that such cosmetics are in conformity with the provisions of this chapter upon removal from such processing, labeling, or repacking establishment.

Sec. 1664-b. False advertisement.—(1) An advertisement of a drug or cosmetic shall be deemed to be false if such advertisement violates the provisions of the Food and Drugs Act of the United States.

(2) The advertisement of a drug representing it to have any therapeutic effect in the treatment of Bright's disease, kidney diseases, cancer, tuberculosis, poliomyelitis (infantile paralysis), venereal disease, heart and vascular diseases shall be deemed to be false; except that no advertisement not in violation of sub-section (1) of this section shall be deemed to be false under this paragraph if it is disseminated only to members of the medical and pharmaceutical professions or appears only in the scientific periodicals of these professions, or is disseminated only for the purpose of public-health education by persons not commercially interested, directly or indirectly, in the sale of such drugs.

Sec. 1664-c. Prohibited acts.—The following acts and the causing thereof are hereby prohibited:

(1) The introduction or delivery for introduction into commerce of any drug or cosmetic that is adulterated or misbranded.

(2) The adulteration or misbranding of any drug or cosmetic in commerce.

(3) The receipt in commerce of any drug or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof in the original unbroken package for pay or otherwise.

(4) The dissemination of a false advertisement by any means for the purpose of inducing, directly or indirectly, the purchase of drugs or cosmetics.

Provided, however, there shall be no prosecution of any licensed retail merchant for violation of the provisions of Section 1664-c of this act until the said retail merchant has been adequately warned by the State Board of Pharmacy that the drug or cosmetic in question is adulterated or misbranded.

Sec. 1664-d. Seizure and forfeiture.—(1) Upon written complaint of the board or its duly authorized representative, that a drug or cosmetic is adulterated or misbranded, or has been manufactured, processed, or packed in a factory or establishment, the operator of which did not, at the time of manufacture, processing, or packing, hold an unsuspended valid manufacturer's permit, as

required by law, filed with the Commonwealth's attorney of the city or county where said drug or cosmetic is located, said Commonwealth's attorney, if he be of the opinion that the complaint is well founded, shall file in the clerk's office of the circuit or corporation court of his city or county, as the case may be, an information in the name of the Commonwealth against said property by name or general designation, setting forth the violation of law alleged. The information shall also pray that the property be condemned as forfeited to the Commonwealth and be destroyed, and that all persons concerned in interest be cited to appear and show cause why the said property should not be condemned and destroyed to enforce a forfeiture.

(2) Said clerk shall issue a warrant directed to the sergeant of the city or sheriff of the county commanding him to take the said property in his possession and hold the same subject to further proceedings in the cause. If from any cause the warrant be not executed, other like warrants may be successively issued until one be executed. The officer serving the warrant shall take the said property into his possession and forthwith return the warrant and report to the clerk in writing thereon his action thereunder.

(3) As soon as the warrant has been executed and returned, the clerk shall issue a notice reciting briefly the filing of the information, the object thereof, the issuing of the warrant and the seizure of the property thereunder, citing all persons concerned in interest to appear on the first day of the next term of the said court, if that be more than ten days from the date of such notice, or if not, on the first day of the next succeeding term, and show cause by the prayer of the information for condemnation and destruction should not be granted. He shall, at least ten days before the date fixed for the notice for appearance, post a copy of the said notice at the front door of the court house of his city or county, and publish the same in some newspaper in the State selected by him. Such posting and publication shall be sufficient service of notice on all persons concerned in interest.

(4) The property, after seizure under the said warrant, may be delivered to the claimants thereof, if the court, or the judge thereof in the case, so order, upon his giving bond with sufficient residence surety, to be approved by the clerk, in a penalty to be fixed by the judge of the court; conditioned to abide by and perform the final judgment of the court in the cause.

(5) Any person concerned in interest may appear and make defense to the information, which may be done by answer on oath. When the case is ready for trial, such issues of facts as are made by the pleadings, or as the court may direct, shall be tried by a jury, unless a trial by jury be dispensed with by the consent of parties; in which case, the court shall determine the whole matter

of law and fact. If forfeiture be established the court shall direct an officer of the court to destroy the property.

(6) For the purpose of review on a writ of error or supersedeas, a final judgment or order in the cause shall be deemed a final judgment or order in a civil case (not in chancery) within the meaning of section sixty-three hundred and sixty-six.

Sec. 1664-e. Injunction.—In addition to the remedies hereinabove provided, the board is hereby authorized to apply to a court of equity of the proper venue for an injunction to restrain any person from a repetitious (a) introduction or cause to be introduced into commerce any adulterated or misbranded drug or cosmetic; or (b) dissemination of or causing to be disseminated a false advertisement by any means for the purpose of inducing, directly or indirectly, the purchase of drugs or cosmetics, in commerce; without being compelled to allege or prove that an adequate remedy at law does not exist.

Sec. 1665. Act of agent or officer declared act of principal.—For the purpose of enforcing a civil liability arising in any manner from the provisions of this chapter, the act, omission or failure of any officer, agent or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall, in every case, be also deemed to be the act, omission or failure of such corporation, company, society or association, as well as that of the person.

Sec. 1666. Board of pharmacy; how appointed; qualification of members; oath.—The board of pharmacy of the State of Virginia shall consist of five members, to be appointed by the Governor, each for the term of five years; their terms of office shall continue to be so arranged that the term of one of them shall expire each year.

The Virginia Pharmaceutical Association shall annually recommend five registered pharmacists, citizens of Virginia, who shall have had not less than ten years' practical experience in pharmacy, from whom the Governor shall fill all vacancies occurring in said board. Every person appointed a member of the board shall, before entering upon the duties of his office, take the oath of office, before some officer authorized to administer an oath, and file the certificate of said oath with the secretary of the board. In the event of the failure of the said Virginia Pharmaceutical Association to make such recommendation, the Governor shall make the said annual appointment in accordance with the other provisions contained in this section.

Sec. 1667. Officers of board; term of office; bond of treasurer; quorum.—There shall be a president, secretary, and a treasurer of the board, who shall be selected by the board from its own members, except that the offices of secretary and treasurer may be held by some one other than a member of the board. They shall hold office for a period of one year from their election, and qualification, or until his

successors are elected and qualified. The offices of secretary and treasurer may be held by the same person. The treasurer shall give bond for the faithful performance of the duties of his office in such penalty and with such security as may be approved by the board. Three members of the board shall constitute a quorum for the transaction of business.

Sec. 1668. Meetings of board.—The board shall hold its annual meetings on the fourth Monday in April of each year, in the city of Richmond, Virginia, and such other meetings at such times and places, and upon such notice as said board may determine and as the business of said board may require.

Sec. 1669. Expenses of board.—The expenses incurred by the board of pharmacy in the discharge of the duties imposed upon it to an amount not exceeding six thousand dollars per annum shall be paid out of the treasury of the Commonwealth on warrants issued by the Auditor of Public Accounts, such warrants to be issued on certificates signed by the secretary and president of the board of pharmacy.

Sec. 1670. Salaries.—The salaries of the secretary and treasurer shall be fixed by the board. Each member of the board shall be paid the sum of ten dollars for every day he is actually engaged in the service of the board, and shall be reimbursed for such actual and legitimate expenses as he may incur in going to and from the place of meeting and remaining thereat during the sessions of the board.

Sec. 1671. By-laws, rules and regulations.—The board of pharmacy shall have authority to make such by-laws, rules and regulations, not inconsistent with the laws of the State, as may be necessary for the lawful performance of its powers; to engage and pay for such professional and other services as it may deem necessary in investigating violations of the law, enforcement of its provisions, and to transact all business relating to the legal practice of pharmacy.

Sec. 1672. Powers and duties of board.—The board of pharmacy shall regulate the practice of pharmacy and the sale of poisons, and control the character and standard of all drugs and medicines dispensed in the State, and investigate all complaints as to the quality and strength of all drugs and medicines and take such action as may be necessary to prevent the sale of such as do not conform to the requirement of law.

Sec. 1673.—Examination of applicants for registration; grade of certificate.—The board of pharmacy shall conduct examinations of applicants for registration when so determined by the board, and not less frequently than once in six months, and may issue one grade of certificate to be known as that of "registered pharmacist"; and permits to sell medicines to physicians in rural districts and towns of not over one thousand population.

Sec. 1674. Registration of pharmacies; registration of pharmacists and assistant pharmacists; renewal of permits to sell medicines.—The board of pharmacy shall require and provide for the annual registration of every pharmacy doing business in this State; the proprietor of every pharmacy opening for business after the taking effect of this act shall apply to the board of pharmacy for registration and it shall be unlawful for the pharmacy to do business until so registered; the fee for such registration, whether original or annual, shall be two dollars, and upon payment thereof the board of pharmacy shall issue permit to applicant entitled to receive same.

The board of pharmacy shall also require and provide for the annual registration of every registered pharmacist and registered assistant pharmacist engaged in business in the State, and charge and receive the sum of two dollars for each such registration. All permits of the board of pharmacy to sell or dispense medicines shall be renewed annually. The board shall charge and receive the sum of two dollars for each renewal.

Sec. 1675. Investigation of alleged violations of law.—The board of pharmacy shall have power to investigate all alleged violations of any law of this State regulating the dispensing or sale of drugs, medicines or poisons or the practice of pharmacy which may come to its notice; and whenever there appears reasonable cause therefor to take and hear testimony with reference to the same, and in the discretion of such board, to bring the same to the notice of the proper prosecuting authorities, or bring actions in the name of the board of pharmacy, for the recovery of penalties in such cases as may be provided by law.

Sec. 1676. Recognition and recording of licenses.—The board of pharmacy shall recognize all certificates or licenses issued by former boards of the State, and make and keep a record of all licenses and certificates issued by it. Such records shall be open to inspection by any citizen of the State.

Sec. 1677. Refusal to grant and revocation of licenses.—The board of pharmacy shall not grant a license to any applicant if satisfied that the safety of the public health will be endangered by reasons of the habits or character of said applicant. If any person shall have obtained a license by misrepresentation or fraud, or shall become unfit or incompetent by reason of negligence, habits or other cause, to practice as a pharmacist or assistant pharmacist, the board of pharmacy shall have power to revoke such license after giving such person reasonable notice and an opportunity to be heard, and if any licensee shall wilfully and repeatedly violate any of the provisions of law relating to pharmacy or the rules and regulations established by the board of pharmacy, such board shall revoke his or her license upon sufficient evidence of such violation, which shall be in addition to any other punishment imposed by law for such violation.

Sec. 1678. Notification to registered person of revocation.—Whenever the board of pharmacy shall revoke the certificate of any registered or assistant registered pharmacist, it shall notify the registered person of such action, and he or she shall immediately deliver to the board or its representative, his or her certificate of registration.

Sec. 1679. Annual report of board.—The board of pharmacy shall render annually to the Governor a report of its proceedings, including receipts and disbursements, during the preceding year.

Sec. 1680. Licenses without examination; to whom issued.—The board of pharmacy may issue licenses to practice as pharmacists in this State, without examination, to such persons as have been legally registered or licensed as pharmacists in other States, provided that the applicant for such license shall present satisfactory evidence of qualifications equal to those required from licentiates in this State, and that he was registered or licensed by examination by the board of pharmacy in such other State, and that the standard of competence required in such other State is not lower than that required in this State.

Applicants for license under this section shall, with their application, forward to the secretary of the board of pharmacy the same fees as are required of other candidates for license.

Sec. 1681. Supervision of pharmacies; physicians as compounders of medicines; soda fountains.—Every pharmacy, as defined in this chapter, shall be under the personal supervision of a registered pharmacist, except that during the temporary absence of the registered pharmacist, a registered assistant pharmacist may act in place of the said registered pharmacist, and registered apprentices may be in temporary charge, but only with privileges of merchants and retail dealers; but nothing in this section shall apply to sales of homeopathic medicines by homeopathic pharmacists nor shall this chapter be construed to interfere with any legally qualified practitioner of medicine, dentistry or veterinary medicine, who is not the proprietor of a store for the dispensing or retailing of drugs, or who is not in the employ of such a proprietor, in the compounding of his own prescriptions, or to prevent him from supplying to his patients such medicines as he may deem proper, if such supply is not made as a sale. In rural districts and in towns having a population of one thousand or less, any physician or physicians regularly licensed under the laws of Virginia shall be granted by the board of pharmacy an annual permit to compound and sell medicines, fill prescriptions and sell poisons, duly labeling the same as required by this chapter; and merchants and retail dealers may sell the ordinary non-poisonous domestic remedies in original packages put up by manufacturers and wholesale dealers, proprietary medicines, copperas, cream tartar, calomel, Paris green, bluestone, carbolic acid, London purple, sweet spirits of nitre, paregoric, tincture of iron, and quinine, in original packages which conform to the requirements of this chapter, and such other medicines as the board of pharmacy may permit. Noth-

ing in this chapter shall prevent the sale and dispensing at soda fountains and by other dealers of granular effervescent and proprietary liquid preparations and beverages claiming curative properties, and whose composition are not in conflict with the provisions of this chapter. The board of pharmacy shall also permit the sale of all insecticides and poisons used for the destruction of pest and other forms of disease in trees and plants, under such rules and regulations as will properly protect the lives and health of the public, and not inconsistent with this chapter.

Sec. 1682. Compounding or retailing drugs except in compliance with this chapter unlawful; display of certain signs unlawful.— (a) Except as prescribed in this chapter it shall be unlawful for any person to practice as a pharmacist, or assistant pharmacist, or to engage in, carry on, or be employed in the dispensing, compounding or retailing of drugs, medicines or poisons within this State; the possession by any person in any place other than a private home or a place of storage, of a miscellaneous stock of bulk pharmaceuticals, drugs, or medicinal preparations not in original packages shall be prima facie evidence that such person is practicing pharmacy.

(b) Every registered pharmacy must be equipped with proper pharmaceutical utensils so that prescriptions can be properly filled and United States Pharmacopoeia and National Formulary preparations properly compounded. The Virginia Board of Pharmacy shall prescribe the minimum of such professional and technical equipment which a pharmacy shall at all times possess, and such list shall include the latest revisions of the United States Pharmacopoeia and the National Formulary. No permit shall be issued or continued for the conduct of a pharmacy until or unless the provisions of this paragraph (b) have been complied with.

(c) The members of the Virginia Board of Pharmacy and their duly authorized agents shall have the power to inspect in a lawful manner the medicines and drugs or drug products or domestic remedies which are manufactured, packed, packaged, made, sold, offered for sale, exposed for sale, or kept for sale, in the State, and for this purpose shall have the right to enter and inspect during business hours any pharmacy, or any other place in the State of Virginia where medicines or drugs or drug products or domestic remedies are manufactured, packed, packaged, made, sold, offered for sale, exposed for sale, or kept for sale.

(d) It shall be unlawful for any place of business which is not a pharmacy as defined in this chapter to advertise or to have upon it or in it as a sign the words, "pharmacy," "pharmacist," "apothecary," "drug store," "druggist," "drugs," "medicine store," "drug sundries," "prescriptions filled" or any like words indicating that drugs are compounded or sold or prescriptions filled therein. Each day during which, or a part of which, such advertisement appears or such sign is allowed to remain upon or in such place of business shall constitute a separate offense under this section.

(e) Any person, firm or corporation may own and conduct a pharmacy, as herein defined, provided the same is conducted and operated under the personal supervision of a registered pharmacist, but during the temporary absence of such registered pharmacist, a registered assistant pharmacist may act in place of the said registered pharmacist.

(f) Nothing in this act contained shall be construed to prohibit or make unlawful the employment in pharmacies conducted under the personal supervision of a registered pharmacist, of other than registered and registered assistant pharmacists for purposes other than the compounding and sale of drugs, medicines and poisons, or the permitting such employees to make sales of articles other than drugs, medicines and poisons, or of patent and proprietary medicines and non-poisonous drugs and medicines in original packages.

(g) The board of pharmacy may, in its discretion, issue permits to such pharmacies as may be temporarily not under the supervision of a registered pharmacist to remain open for business for a period not to exceed ten days, but such pharmacy may not during such period sell any poisons, nor compound or dispense physicians' prescriptions. Pharmacies desiring such permit must make application to the board of pharmacy, setting forth the circumstances upon which their applications are based.

Sec. 1683. Display of certificates.—Every person practicing as a registered pharmacist or registered assistant pharmacist, and every person engaged in selling or compounding medicines under a permit, must at all times display his certificate conspicuously in the place in which he practices under such certificate.

Sec. 1684. Application to be registered as pharmacist.—Every person who shall hereafter desire to be registered as a pharmacist shall file with the secretary of the board of pharmacy an application, duly verified under oath, setting forth the name and age of the applicant, the place or places at which, and the time spent in, the study of the science and art of pharmacy, and shall appear at a time and place designated by the board of pharmacy and submit to an examination as to his or her qualifications for registration as a pharmacist.

Sec. 1685. Qualifications of pharmacist.—In order to be licensed as a registered pharmacist within the meaning of this chapter, an applicant shall present to the board satisfactory evidence that he or she is at least twenty-one years of age, and that he or she is a graduate of a school of pharmacy approved by the State Board of Pharmacy.

Sec. 1686. Qualifications of assistant pharmacist.—Every person who is the holder of a certificate as a registered assistant pharmacist, issued prior to March first, nineteen hundred and thirty-three, shall be admitted to the registered pharmacist examination. After March first, nineteen hundred and thirty-five, the board shall not issue an original certificate to any person as a registered assistant pharmacist; provided, however, that nothing in this section shall prevent any person

who was registered as an assistant pharmacist prior to March first, nineteen hundred and thirty-three, from continuing to practice as a registered assistant pharmacist.

Sec. 1687. Fees of applicants.—Every applicant for original registration as a pharmacist shall pay to the secretary of the board of pharmacy the sum of twenty-five dollars, and every applicant for original registration as an assistant pharmacist shall pay the sum of fifteen dollars.

Sec. 1688. Issue of certificate.—If the applicant for license as pharmacist or assistant pharmacist has complied with all the requirements of the preceding sections, the board of pharmacy shall enroll his or her name upon the register of pharmacists or assistant pharmacists, and issue to him or her a certificate of registration as pharmacist or assistant pharmacist.

Sec. 1689. (Repealed.)

Sec. 1690. Sale of pharmaceutical preparations; employment of assistants.—Nothing in this chapter shall be construed to prevent or interfere with any retail druggist or wholesale dealer, or manufacturing concern or their employees from selling, compounding or manufacturing in the regular course of business, any pharmaceutical preparations, or any patent or proprietary preparations that conform to the requirement of this chapter, and the sale of which is not in conflict with any of its provisions; or prevent the employment, by registered pharmacists of apprentices or assistants for the purpose of being instructed in pharmacy, but such apprentices or other unregistered employees or assistants shall not be allowed to prepare or dispense prescriptions, or to sell or furnish medicines or poisons, except in the presence of and under the personal direction of a registered or registered assistant pharmacist.

Sec. 1691. Regulation of sale of poisons.—It shall be unlawful for any person or persons having authority to sell or dispense medicines or poisons to retail any poison enumerated in the following schedule, without distinctly labelling the bottle, box, vial or paper in which said poison is contained with the name of the article and the word "poison" and the name and place of business of the seller; and in addition thereto, at least one of the most readily obtainable effective antidotes to such poisonous articles: arsenic and its preparations, corrosive sublimate, biniodide of mercury, ammonio-chloride of mercury, mercuric oxide and all other mercuric salts; cyanide of potassium, hydrocyanic acid, strychnine and its salts, essential oil of bitter almonds; cocaine, alpha and beta eucaine and their salts; aconite, belladonna, nux vomica, cantharides, digitalis, colchicum, conium, hyoscyamus, and their active principles and pharmaceutical preparations; preparations of opium of a greater strength than camphorated tincture of opium of the United States Pharmacopoeia, creosote, croton oil, chloroform, chloral hydrate, carbolic acid (phenol), oxalic acid, corrosive mineral acids in con-

centrated form; and other deadly poisons; and it shall be unlawful for any person to sell or deliver any poison mentioned in the above schedule unless it be found upon due inquiry that the purchaser is aware of its poisonous nature; and it shall also be unlawful to sell or deliver any of the said poisons to any person under sixteen years of age, except upon the written order of some responsible adult. The provisions of this section shall not apply to the dispensing of poisons in usual doses on prescriptions of physicians, dentists or veterinary surgeons, when prepared and dispensed in accordance with the pharmacy laws of this State; nor to preparations containing any of the substances named in this section, when a single box, bottle, or other package, or when the bulk of one-fourth fluid ounce, or the weight of one-fourth avoirdupois ounce does not contain more than an adult medicinal dose of such substance; nor to liniments or ointments, sold in good faith as such, when plainly labeled "For external use only;" nor to preparations put up and sold in the form of pills, capsules, tablets, or lozenges, containing any of the substances enumerated in this section, and intended for internal use, when the dose recommended does not contain more than one-fourth of an adult medicinal dose of such substance; nor to such preparations for diarrhoea and cholera as are described in section sixteen hundred and ninety-three.

Sec. 1692. Punishment for violation of the twenty preceding sections.—Any person violating any of the provisions of the twenty preceding sections shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense, or confined in jail not less than thirty days nor more than six months, or both.

Sec. 1693. (Repealed by Uniform Narcotic Drug Law.)

Sec. 1694. (Repealed by Uniform Narcotic Drug Law.)

Sec. 1695. (Repealed by Uniform Narcotic Drug Law.)

Sec. 1696. (Repealed by Uniform Narcotic Drug Law.)

Sec. 1697. (Repealed by Uniform Narcotic Drug Law.)

Sec. 1698. (Repealed by Uniform Narcotic Drug Law.)

Sec. 1699. Disposition of fines and fees.—All fines and fees collected under this chapter shall be paid into the treasury of the State of Virginia.

Sec. 1700. Druggists and pharmacists in certain border cities and towns; removal of drug store to this State; provisions relating to.—In any city or town (whether incorporated or not) in the State of Virginia, situated on and having for one of its boundaries the dividing line between Virginia and some other State, and not any such natural barrier as would make any adjoining town or city in another

adjoining State a separate and different community and people, it shall be lawful for any reputable citizen of Virginia, who, while residing in such town or city in the State of Virginia continuously for not less than five years, and has for not less than five years been engaged in the conduct of a drug store or pharmacy in such adjoining town or city of such other State, and as a lawfully registered pharmacist under the laws of such adjoining State, been engaged in selling, compounding and dispensing drugs, medicines and prescriptions to the people of the towns or cities of both States for not less than five years in such town or city, to remove his drug store from such town or city of such adjoining State into such town or city in Virginia, or to buy or open and conduct a drug store or pharmacy in such town or city in Virginia, and engage in the business of selling, compounding and dispensing drugs, medicines and prescriptions, and upon application to the board of pharmacy of Virginia he shall be granted a certificate as a registered pharmacist without examination on the payment of the fee prescribed by law, and on producing satisfactory evidence of the reputable conduct of such pharmacy or drug store by him, and the registration of such person as a registered pharmacist in such other town or city of such adjoining State, and of having been a resident of Virginia for at least five years while so engaged in conducting such pharmacy or drug store; but such certificate shall entitle him to engage in the practice of pharmacy only in such town or city, and shall not apply to any registered pharmacist or assistant registered pharmacist of another State who may come to Virginia to be employed by another person in selling, compounding and dispensing drugs, medicines and prescriptions.

Sec. 1701. Throwing sample packages of medicines in yards, halls, porches, or doorways, a misdemeanor.—It shall be unlawful for any person, firm or corporation to throw or place, or cause to be thrown or placed, in any yard, hall, porch, doorway, or vestibule of any house in this State, any sample or sample package of medicine without permission from the owner or occupant of such premises. Nothing in this section shall be so construed as to prevent any person, firm, or corporation from delivering samples or sample packages of medicine, if said delivery is made direct to the owner or occupant of any house, or to any person over twelve years of age. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than fifty dollars.

Sec. 1702. Adulterating food, drink, or medicine; how punished.—If any person fraudulently or knowingly adulterate, for the purpose of sale, any drug or medicine, or any article of food or drink, with any substance that may be injurious to health, or with barytes or any substance intended to increase the weight or quantity of such food or drink, he shall be deemed guilty of a misdemeanor; and the adulterated articles shall be forfeited and destroyed.

CAUSTIC POISON LAW

CHAP. 167.—An ACT to safeguard the distribution and sale of certain dangerous caustic or corrosive acids, alkalis, and other substances. Approved March 17, 1926.

Be it enacted by the General Assembly of Virginia, as follows:

1. In this act, unless the context or submatter otherwise requires

(A) The term "dangerous caustic or corrosive substances" means each and all of the acids, alkalis and substances named below: (a) Hydrochloric acid and any preparation containing free or chemically unneutralized hydrochloric acid in a concentration of ten per centum or more; (b) sulphuric acid and any preparation containing free or chemically unneutralized sulphuric acid in a concentration of ten per centum or more; (c) nitric acid or any preparation containing free or chemically unneutralized nitric acid in a concentration of five per centum or more; (d) carbolic acid, otherwise known as phenol, and any preparation containing carbolic acid or phenol in a concentration of five per centum or more; (d-1) cresol or any preparation containing cresol in a concentration of five per centum or more; (e) oxalic acid and any preparation containing free or chemically unneutralized oxalic acid in a concentration of ten per centum or more; (f) any salt of oxalic acid and any preparation containing any such salt in a concentration of ten per centum or more; (g) acetic acid or any preparation containing free or chemically unneutralized acetic acid in a concentration of twenty per centum or more; (h) hydrochlorous acid, either free or combined, and any preparation containing the same in a concentration so as to yield ten per centum or more by weight of available chlorine, excluding calx chlorinata, bleaching powder, and chloride of lime; (i) potassium hydroxide and any preparation containing free or chemically unneutralized potassium hydroxide, including caustic potash and Vienna paste, in a concentration of ten per centum or more; (j) sodium hydroxide and any preparation containing free or chemically unneutralized sodium hydroxide, including caustic soda and lye, in a concentration of ten per centum or more; (k) silver nitrate, sometimes known as lunar caustic, and any preparation containing silver nitrate in a concentration of five per centum or more, and (l) ammonia water and any preparation yielding free or chemically uncombined ammonia, including ammonium hydroxide and "hartshorn," in a concentration of five per centum or more.

(B) The term "misbranded parcel, package, or container" means a retail parcel, package, or container of any dangerous caustic or corrosive substance for household use, not bearing a conspicuous, easily legible label or sticker, containing (a) the name of the article; (b) the name and place of business of the manufacturer, packer, seller, or distributor; (c) the word "poison," running parallel with the main body

of reading matter on said label or sticker, on a clear, plain background of a distinctly contrasting color, in uncondensed gothic capital letters, the letters to be not less than twenty-four point size, unless there is on said label or sticker no other type so large, in which event the type shall be not smaller than the largest type on the label or sticker, and (d) directions for treatment in case of accidental personal injury by the dangerous caustic or corrosive substance; except that provisions (a), (c) and (d) of above section shall not apply to physician's prescriptions but the said prescription shall carry the regular poison label.

2. No person shall sell at retail, barter, or exchange, or display or offer for sale, barter, or exchange in this State except at wholesale any dangerous caustic or corrosive substance in a misbranded parcel, package, or container, said parcel, package, or container being designed for household use.

3. Any person violating the provisions of this act shall, upon conviction thereof, be punished by a fine of not more than two hundred dollars, or by imprisonment for not more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

4. The State Board of Pharmacy shall enforce the provisions of this act, and it is hereby authorized and empowered to approve and register such brands and labels intended for use under the provisions of this act as may be submitted to it for that purpose and as may in its judgment conform to the requirements of this statute; provided, however, that in any prosecution under this act the fact that any brand or label involved in said prosecution has not been submitted to said State Board of Pharmacy for approval, or if submitted, has not been approved by it, shall be immaterial.

DANGEROUS DRUG LAW

CHAP. 209.—An ACT to amend and re-enact Sections 1698-a, 1698-b, 1698-c, 1698-d and 1698-e, as amended, of the Code of Virginia, relating to hypnotic drugs. Approved March 13, 1942. [S B 219]

1. Be it enacted by the General Assembly of Virginia, That sections sixteen hundred and ninety-eight-a, sixteen hundred and ninety-eight-b, sixteen hundred and ninety-eight-c, sixteen hundred and ninety-eight-d, and sixteen hundred and ninety-eight-e, as amended, of the Code of Virginia, be amended and re-enacted, as follows:

Sec. 1698-a. In the following four sections, unless the context otherwise requires, the words "dangerous drug" shall include:

(a) Diethyl Barbituric Acid (barbital), by whatsoever trade name or designation; or any compound, preparation, mixture or solution thereof; or any salt or derivative thereof or of barbituric acid possessing hypnotic properties or effects;

(b) Sulfanilamide (para-amino-benzene-sulfonamide), Sulfathiazole, Sulfapyridine, Sulfadiazine, Sulfaguanidine and any sulfanilamide derivatives by whatsoever trade name or designation; or any related compound, preparation, mixture or salt thereof; or any salt or derivative thereof; or any preparation or mixture containing any of them.

Sec. 1698-b. No person other than a licensed pharmacist shall sell or offer to sell any dangerous drug to consumers or have such drug in his possession with intent to sell or give away to consumers.

Sec. 1698-c. No person shall sell or give away any dangerous drug to a consumer except on the prescription of a doctor of medicine, doctor of dental surgery, or doctor of veterinary surgery, lawfully practicing his profession, which prescription may not be refilled; except that prescriptions containing Barbituric Acid or derivatives thereof for persons suffering from chronic afflictions or diseases may, upon written authorizations on the face of the prescription by the prescriber, be refilled a definite number of times, as indicated, or indefinitely if so specified by the prescriber; and except that prescriptions containing in a mixture or compound a derivative of Barbituric Acid, which derivative does not constitute the principal constituent of the mixture or compound, may be refilled unless the prescriber specifies in writing on the face of the prescription that it shall not be refilled. No person shall give away or distribute any sample package containing a dangerous drug.

Sec. 1698-d. Nothing in this section shall be construed to limit the sale of dangerous drugs to, nor to the dispensing of dangerous drugs in the course of their professional practice by, doctors of

medicine, doctors of dental surgery, or doctors of veterinary surgery, lawfully practicing their profession in this State, or to registered retail or wholesale pharmacists, or to hospitals and other institutions for the treatment of defective, afflicted, sick and injured persons; and nothing in this section shall prevent the sale by a registered pharmacist without a prescription of preparations containing drugs in the Sulfanilamide group intended for external use only and compounded so as to be unfit for internal use and plainly labeled "For External Use Only".

Sec. 1698-e. Any person who shall violate any provision of sections sixteen hundred and ninety-eight-b, sixteen hundred and ninety-eight-c, or sixteen hundred and ninety-eight-d, shall be deemed guilty of a misdemeanor and upon conviction thereof for the first offense shall be fined not more than one hundred dollars, and upon conviction of a second offense shall be fined not more than one thousand dollars, or shall be imprisoned in jail not exceeding six months, or both, at the discretion of the court.

UNIFORM NARCOTIC DRUG LAW

CHAP. 86.—An ACT to regulate and control the production, preparation, manufacture, possession, transportation, sale, disposition and use of coca leaves, cocaine, opium, morphine, codeine, heroin, and any compound, manufacture, salt, derivative, mixture and preparation thereof or of either, and substances not chemically distinguishable from such drugs or either of them; to provide for the issuance, suspension and revocation of licenses to produce, prepare, manufacture, sell, dispense and otherwise handle such drugs; to prescribe penalties for violations of this act; to repeal all acts and parts of acts in conflict herewith; and to provide that this act may be designated and cited as the "Uniform Narcotic Drug Act." Approved March 5, 1934.

Be it enacted by the General Assembly of Virginia, as follows:

1. **Definitions.**—The following words and phrases, as used in this act, shall have the following meanings, unless the context otherwise requires:

(1) "Person" includes any corporation, association, co-partnership, or one or more individuals.

(2) "Physician" means a person authorized by law to practice medicine in this State and any other person authorized by law to treat sick and injured human beings in this State and to use narcotic drugs in connection with such treatment.

(3) "Dentist" means a person authorized by law to practice dentistry in this State.

(4) "Veterinarian" means a person authorized by law to practice veterinary medicine in this State.

(5) "Manufacturer" means a person who by compounding, mixing, cultivating, growing, or other process, produces or prepares narcotic drugs, but does not include an apothecary who compounds narcotic drugs to be sold or dispensed on prescriptions.

(6) "Wholesaler" means a person who supplies narcotic drugs that he himself has not produced or prepared, on official written orders, but not on prescriptions.

(7) "Apothecary" means a licensed pharmacist as defined by the laws of this State and, where the context so requires, the owner of a store or other place of business where narcotic drugs are compounded or dispensed by a licensed pharmacist; but nothing in this act shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right or privilege, that is not granted to him by the pharmacy laws of this State.

(8) "Hospital" means an institution for the care and treatment of the sick and injured, approved by the State Board of Pharmacy as proper to be entrusted with the custody of narcotic drugs, and the professional use of narcotic drugs under the direction of a physician, dentist, or veterinarian.

(9) "Laboratory" means a laboratory approved by the State Board of Pharmacy as proper to be entrusted with the custody of narcotic drugs and the use of narcotic drugs for scientific and medical purposes and for purposes of instruction.

(10) "Sale" includes barter, exchange, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee.

(11) "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made.

(12) "Opium" includes morphine, codeine, and heroin, and any compound, manufacture, salt, derivative, mixture, or preparation of opium.

(13) "Narcotic drugs" means coca leaves and opium, and every substance not chemically distinguishable from them.

(14) "Federal narcotic laws" means the laws of the United States relating to opium, coca leaves, and other narcotic drugs.

(15) "Official written order" means an order written on a form provided for that purpose by the United States Commissioner of Narcotics, under any laws of the United States making provision therefor, if such order forms are authorized and required by Federal law, and if no such order form is provided then on an official form provided for that purpose by the State Board of Pharmacy.

(16) "Dispense" includes distribute, leave with, give away, dispose of, or deliver.

(17) "Registry number" means the number assigned to each person registered under the Federal narcotic laws.

2. **Acts prohibited.**—It shall be unlawful for any person to manufacture, possess, have under his control, sell, prescribe, administer, dispense, or compound any narcotic drug, except as authorized in this act.

3. **Manufacturers and wholesalers.**—No person shall manufacture, compound, mix, cultivate, grow, or by any other process produce or prepare narcotic drugs, and no person as a wholesaler shall supply the same, without having first obtained a license so to do from the State Board of Pharmacy.

A fee of ten dollars shall be charged and collected by the State Board of Pharmacy for each manufacturer's and wholesaler's license issued under the provision of this section. The license shall be for the calendar year, and shall be renewable on the first day of January of each year.

4. Qualification for licenses.—No license shall be issued under the foregoing section unless and until the applicant therefor has furnished proof satisfactory to the State Board of Pharmacy.

(a) That the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character.

(b) That the applicant is equipped as to land, buildings, and paraphernalia properly to carry on the business described in his application.

No license shall be granted to any person who has within five years been convicted of a wilful violation of any law of the United States, or of any state, relating to opium, coca leaves, or other narcotic drugs, or to any person who is a narcotic drug addict.

The State Board of Pharmacy may suspend or revoke any license for cause.

5. Sale on written orders.

(1) A duly licensed manufacturer or wholesaler may sell and dispense narcotic drugs to any of the following persons, but only on official written orders:

(a) To a manufacturer, wholesaler, or apothecary.

(b) To a physician, dentist, or veterinarian.

(c) To a person in charge of a hospital, but only for use by or in that hospital.

(d) To a person in charge of a laboratory, but only for use in that laboratory for scientific and medical purposes.

(2) A duly licensed manufacturer or wholesaler may sell narcotic drugs to any of the following persons:

(a) On a special written order accompanied by a certificate of exemption, as required by the Federal narcotic laws, to a person in the employ of the United States Government or of any state, territorial, district, county, municipal, or insular government, purchasing, receiving, possessing, or dispensing narcotic drugs by reason of his official duties.

(b) To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, for the actual medical needs of persons on board such ship or aircraft, when not in port. Provided, such narcotic drugs shall be sold to the master of such ship or person in charge of such aircraft only in pursuance of a special order form approved by a commissioned medical officer or acting assistant surgeon of the United States Public Health Service.

(c) To a person in a foreign country if the provisions of the Federal narcotic laws are complied with.

(3) **Use of official written orders.**—An official written order for any narcotic drug shall be signed in duplicate by the person giving said order or by his duly authorized agent. The original

shall be presented to the person who sells or dispenses the narcotic drug or drugs named therein. In event of the acceptance of such order by said person, each party to the transaction shall preserve his copy of such order for a period of two years in such a way as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this act. It shall be deemed a compliance with this subsection if the parties to the transaction have complied with the Federal narcotic laws, respecting the requirements governing the use of order forms.

(4) **Possession lawful.**—Possession of or control of narcotic drugs obtained as authorized by this section shall be lawful if in the regular course of business, occupation, profession, employment, or duty of the possessor.

(5) A person in charge of a hospital or of a laboratory, or in the employ of this State or of any other state, or of any political subdivision thereof, and a master or other proper officer of a ship or aircraft, who obtains narcotic drugs under the provisions of this section or otherwise, shall not administer, nor dispense, nor otherwise use such drugs, within this State, except within the scope of his employment or official duty, and then only for scientific or medicinal purposes and subject to the provisions of this act.

6. Sales by apothecaries.

(1) An apothecary, in good faith, may sell and dispense narcotic drugs to any person upon a written prescription of a physician, dentist, or veterinarian, provided it is properly executed, dated and signed by the person prescribing on the day when issued and bearing the full name and address of the patient for whom, or of the owner of the animal for which, the drug is dispensed, and the full name, address, and registry number under the Federal narcotic laws of the person prescribing, if he is required by those laws to be so registered. If the prescription be for an animal, it shall state the species of animal for which the drug is prescribed. The person filling the prescription shall write the date of filling and his own signature on the face of the prescription. The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of two years, so as to be readily accessible for inspection by any public officer or employee engaged in the enforcement of this act. The prescription shall not be refilled.

(2) The legal owner of any stock of narcotic drugs in a pharmacy, upon discontinuance of dealing in said drugs, may sell said stock to a manufacturer, wholesaler, or apothecary, but only on an official written order.

(3) An apothecary, only upon an official written order, may sell to a physician, dentist, or veterinarian, in quantities not exceeding one ounce at any one time, aqueous or oleaginous solutions

of which the content of narcotic drugs does not exceed a proportion greater than twenty per centum of the complete solution, to be used for medical purposes.

7. Professional use of narcotic drugs.

(1) **Physicians and dentists.**—A physician or a dentist, in good faith and in the course of his professional practice only, may prescribe on a written prescription, administer, and dispense narcotic drugs, or he may cause the same to be administered by a nurse or interne under his direction and supervision. Such a prescription shall be dated and signed by the person prescribing on the day when issued, and shall bear the full name and address of the patient for whom the narcotic drug is prescribed, and the full name, address, and registry number under the Federal narcotic laws of the person prescribing, provided he is required by those Federal laws to be so registered.

(2) **Veterinarians.**—A veterinarian, in good faith and in the course of his professional practice only, and not for use by a human being, may prescribe, on a written prescription, administer, and dispense narcotic drugs, and he may cause them to be administered by an assistant or orderly under his direction and supervision. Such a prescription shall be dated and signed by the person prescribing on the day when issued and shall bear the full name and address of the owner of the animal, and the species of the animal, for which the narcotic drug is prescribed and the full name, address and registry number, under the Federal narcotic laws of the person prescribing, provided he is required by those laws to be so registered.

8. Preparations exempted.—Except as otherwise in this act specifically provided, this act shall not apply to the following cases:

(1) Prescribing, administering, dispensing, or selling at retail of any medicinal preparation that contains in one fluid ounce, or if a solid or semi-solid preparation, in one avoirdupois ounce, (a) not more than two grains of opium, (b) not more than one-quarter of a grain of morphine or of any of its salts, (c) not more than one grain of codeine or of any of its salts, (d) not more than one-eighth of a grain of heroin or of any of its salts.

(2) Prescribing, administering, dispensing, or selling at retail of liniments, ointments, and other preparations, that are susceptible of external use only and that contain narcotic drugs in such combinations as prevent their being readily extracted from such liniments, ointments, or preparations, except that this act shall apply to all liniments, ointments, and other preparations, that contain coca leaves in any quantity or combination.

The exemptions authorized by this section shall be subject to the following conditions:

(a) No person shall prescribe, administer, dispense, or sell at retail under the exemptions of this section, to any one person, or for the use of any one person or animal, any preparation or preparations included within this section, when he knows, or can by reasonable diligence ascertain, that such prescribing, administering, dispensing, or selling will provide the person to whom or for whose use, or the owner of the animal for the use of which such preparation is prescribed, administered, dispensed, or sold, within any forty-eight consecutive hours, with more than four grains of opium, or more than one and one-half grains of morphine or of any of its salts, or more than five grains of codeine or of any of its salts, or more than one-quarter of a grain of heroin or of any of its salts.

(b) The medicinal preparation, or the liniment, ointment, or other preparation susceptible of external use only, prescribed, administered, dispensed, or sold, shall contain, in addition to the narcotic drug in it, some drug or drugs conferring upon it medicinal qualities other than those possessed by the narcotic drug alone. Such preparation shall be prescribed, administered, dispensed, and sold in good faith as a medicine, and not for the purpose of evading the provisions of this act.

Nothing in this section shall be construed to limit the kind and quantity of any narcotic drug that may be prescribed, administered, dispensed, or sold, to any person or for the use of any person or animal, when it is prescribed, administered, dispensed, or sold, in compliance with the general provisions of this act.

9. Record to be kept.—(1) **Physicians, dentists, veterinarians, and other authorized persons.**—Every physician, dentist, veterinarian, or other person who is authorized to administer or professionally use narcotic drugs, shall keep a record of such drugs received by him, and a record of all such drugs administered, dispensed, or professionally used by him otherwise than by prescription. It shall, however, be deemed a sufficient compliance with this subsection if any such person using small quantities of solutions or other preparations of such drugs for local application, shall keep a record of the quantity, character, and potency of such solutions or other preparations purchased or made up by him, and of the dates when purchased or made up, without keeping a record of the amount of such solution or other preparation applied by him to individual patients; provided, that no record need be kept of narcotic drugs administered, dispensed, or professionally used in the treatment of any one patient, when the amount administered, dispensed, or professionally used for that purpose does not exceed in any forty-eight consecutive hours, (a) four grains of opium, or (b) one-half of a grain of morphine or of any of its salts, or (c) two grains of codeine or any of its salts, or (d) one-

fourth of a grain of heroin or of any of its salts, or (e) a quantity of any other narcotic drug or any combination of narcotic drugs that does not exceed in pharmacologic potency any one of the drugs named above in the quantity stated.

(2) **Manufacturers and wholesalers.** — Manufacturers and wholesalers shall keep records of all narcotic drugs compounded, mixed, cultivated, grown, or by any other process produced or prepared, and of all narcotic drugs received and disposed of by them, in accordance with the provisions of subsection five of this section.

(3) **Apothecaries.**—Apothecaries shall keep records of all narcotic drugs received and disposed of by them, in accordance with the provisions of subsection five of this section.

(4) **Vendors of exempted preparations.**—Every person who purchases for resale, or who sells narcotic drug preparations exempted by section eight of this act, shall keep a record showing the quantities and kinds thereof received and sold, or disposed of otherwise, in accordance with the provisions of subsection five of this section.

(5) **Form and preservation of records.**—The form of records shall be prescribed by the State Board of Pharmacy. The record of narcotic drugs received shall in every case show the date of receipt, the name and address of the person from whom received, and the kind and quantity of drugs received; the kind and quantity of narcotic drugs produced or removed from process of manufacture, and the date of such production or removal from process of manufacture; and the record shall in every case show the proportion of morphine, cocaine, or ecgonine contained in or producible from crude opium or coca leaves received or produced. The record of all narcotic drugs sold, administered, dispensed, or otherwise disposed of, shall show the date of selling, administering, or dispensing, the name and address of the person to whom or for whose use, or the owner and species of animal for which the drugs were sold, administered or dispensed, and the kind and quantity of drugs. Every such record shall be kept for a period of two years from the date of the transaction recorded. The keeping of a record required by or under the Federal narcotic laws, containing substantially the same information as is specified above, shall constitute compliance with this section, except that every such record shall contain a detailed list of narcotic drugs lost, destroyed or stolen, if any, the kind and quantity of such drugs, and the date of the discovery of such loss, destruction, or theft.

10. Labels.—(1) Whenever a manufacturer sells or dispenses a narcotic drug, and whenever a wholesaler sells or dispenses a narcotic drug in a package prepared by him, he shall securely affix to each package in which that drug is contained a label showing in legible English the name and address of the vendor and the

quantity, kind, and form of narcotic drug contained therein. No person, except an apothecary for the purpose of filling a prescription under this act, shall alter, deface, or remove any label so affixed.

(2) Whenever an apothecary sells or dispenses any narcotic drug on a prescription issued by a physician, dentist, or veterinarian, he shall affix to the container in which said drug is sold or dispensed, a label showing his name, address, and registry number, or the name, address, and registry number of the apothecary for which he is lawfully acting; the name and address of the patient or, if the patient is an animal, the name and address of the owner of the animal and the species of the animal; the name, address, and registry number of the physician, dentist, or veterinarian, by whom the prescription was written; and such directions as may be stated on the prescription. No person shall alter, deface, or remove any label so affixed, so long as any of the original contents remain.

11. **Authorized possession of narcotic drugs by individuals.**—A person to whom or for whose use any narcotic drug has been prescribed, sold, or dispensed, by a physician, dentist, apothecary, or other person authorized under the provisions of section five of this act, and the owner of any animal for which any such drug has been prescribed, sold, or dispensed, by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.

12. **Persons and corporations exempted.**—The provisions of this act restricting the possession and having control of narcotic drugs shall not apply to common carriers or to warehousemen, while engaged in lawfully transporting or storing such drugs, or to any employee of the same acting within the scope of his employment; or to public officers or their employees in the performance of their official duties requiring possession or control of narcotic drugs; or to temporary incidental possession by employees or agents of persons lawfully entitled to possession, or by persons whose possession is for the purpose of aiding public officers in performing their official duties.

13. **Common nuisances.**—Any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by narcotic drug addicts for the purpose of using narcotic drugs or which is used for the illegal keeping or selling of the same, shall be deemed a common nuisance. No person shall keep or maintain such a common nuisance.

14. **Narcotic drugs to be delivered to State official, et cetera.**—All narcotic drugs, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into

the custody of a peace officer, shall be forfeited, and disposed of as follows:

(a) Except as in this section otherwise provided, the court or magistrate having jurisdiction shall order such narcotic drugs forfeited and destroyed. A record of the place where said drugs were seized, of the kinds and quantities of drugs so destroyed, and of the time, place, and manner of destruction, shall be kept, and a return under oath, reporting said destruction, shall be made to the court or magistrate and to the United States Commissioner of Narcotics, by the officer who destroys them.

(b) Upon written application by the State Board of Pharmacy the court or magistrate by whom the forfeiture of narcotic drugs has been decreed may order the delivery of any of them, except heroin and its salts and derivatives, to said State Board of Pharmacy, for distribution or destruction, as hereinafter provided.

(c) Upon application by any hospital within this State, not operated for private gain, the State Board of Pharmacy may, in its discretion, deliver any narcotic drugs that have come into its custody by authority of this section to the applicant for medicinal use. The State Board of Pharmacy may from time to time deliver excess stocks of such narcotic drugs to the United States Commissioner of Narcotics, or may destroy the same.

(d) The State Board of Pharmacy shall keep a full and complete record of all drugs received and of all drugs disposed of, showing the exact kinds, quantities, and forms of such drugs; the persons from whom received and to whom delivered; by whose authority received, delivered, and destroyed; and the dates of the receipt, disposal, or destruction, which record shall be open to inspection by all Federal or State officers charged with the enforcement of Federal and State narcotic laws.

15. Notice of conviction to be sent to licensing board.—On the conviction of any person of the violation of any provision of this act, a copy of the judgment and sentence, and of the opinion of the court or magistrate, if any opinion be filed, shall be sent by the clerk of the court, or by the magistrate, to the board or officer, if any, by whom the convicted defendant has been licensed or registered to practice his profession or to carry on his business. On the conviction of any such person the court may, in its discretion, suspend or revoke the license or registration of the convicted defendant to practice his profession or to carry on his business. On the application of any person whose license or registration has been suspended or revoked, and upon proper showing and for good cause, said board or officer may reinstate such license or registration.

16. Records confidential.—Prescriptions, orders, and records, required by this act, and stocks of narcotic drugs, shall be open

for inspection only to Federal, State, county, and municipal officers, whose duty it is to enforce the laws of this State or of the United States relating to narcotic drugs. No officer having knowledge by virtue of his office of any such prescription, order or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, orders, or records relate is a party.

17. Fraud or deceit.—(1) No person shall obtain or attempt to obtain a narcotic drug, or procure or attempt to procure the administration of a narcotic drug, (a) by fraud, deceit, misrepresentation, or subterfuge; or (b) by the forgery or alteration of a prescription or of any written order; or (c) by the concealment of a material fact; or (d) by the use of a false name or the giving of a false address.

(2) Information communicated to a physician in an effort unlawfully to procure a narcotic drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(3) No person shall wilfully make a false statement in any prescription, order, report, or record, required by this act.

(4) No person shall, for the purpose of obtaining a narcotic drug, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person.

(5) No person shall make or utter any false or forged prescription or false or forged written order.

(6) No person shall affix any false or forged label to a package or receptacle containing narcotic drugs.

(7) The provisions of this section shall apply to all transactions relating to narcotic drugs under the provisions of section eight of this act, and in the same way as they apply to transactions under all other sections.

18. Exceptions and exemptions not required to be negatived.—In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of this act, it shall not be necessary to negative any exception, excuse, proviso, or exemption, contained in this act, and the burden of proof of any such exception, excuse, proviso, or exemption, shall be upon the defendant.

19. Enforcement and cooperation.—It is hereby made the duty of the State Board of Pharmacy, its officers, agents, inspectors, and representatives, and of all peace officers within the State, and of all attorneys of the Commonwealth, to enforce all provisions of this act, except those specifically delegated, and to cooperate with

all agencies charged with the enforcement of the laws of the United States, of this State, and of all other states, relating to narcotic drugs.

20. **Penalties.**—Any person violating any provision of this act shall upon conviction be punished, for the first offense, by a fine not exceeding one hundred dollars, or by imprisonment in jail for not exceeding one year, or by both such fine and imprisonment; and for any subsequent offense, by a fine not exceeding one thousand dollars, or by imprisonment for not exceeding five years in the penitentiary, or by both such fine and imprisonment.

21. **Effect of acquittal or conviction under Federal narcotic laws.**—No person shall be prosecuted for a violation of any provision of this act if such person has been acquitted or convicted under the Federal narcotic laws of the same act or omission which, it is alleged, constituted a violation of this act.

22. **Constitutionality.**—If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

23. **Interpretation.**—This act shall be so interpreted and construed as to effectuate its general purpose, to make uniform the laws of those states which enact it.

24. **Inconsistent laws repealed.**—All acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

25. **Name of act.**—This act may be designated and cited as the "Uniform Narcotic Drug Act."

MEDICINE SHOW LAW

CHAP. 66.—An ACT to prohibit the distribution of drugs and medicines by means of medicine shows, and to prescribe penalties. Approved February 26, 1936.

1. Be it enacted by the General Assembly of Virginia, That it shall be unlawful for any person to sell, distribute, vend or otherwise dispose of any drug, medicine, or pharmaceutical or medicinal preparation by means of any public exhibition, entertainment, performance, or carnival, commonly known as "medicine shows," and "patent medicine shows."

Any person violating any provision of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not exceeding one hundred dollars for each offense, or confined in jail not exceeding one year, or both.

MANUFACTURERS' LICENSE LAW

CHAP. 414.—An ACT to amend and re-enact an act entitled "An act to regulate the manufacture of drugs, medicines, toilet preparations, dentifrices and cosmetics; to provide for the issuance and revocation of permits therefor by the Virginia Board of Pharmacy and for hearings on application for such permits and appeals from the action of said board thereon; and to prescribe penalties," approved March 3, 1936. Approved April 1, 1938.

Sec. 1. No drugs, medicines, toilet preparations, dentifrices or cosmetics (except soaps for which no curative or therapeutic claims are made), shall be manufactured, made, produced, packed, packaged, or prepared within this State, except under the personal and immediate supervision of a registered pharmacist or such other person as may be approved by the Virginia Board of Pharmacy after an investigation and a determination by the said board that they are qualified by scientific or technical training to perform such duties of supervision as may be necessary to protect the public health and safety (except that this provision shall not apply to manufacturers to whom were granted permits prior to January first, nineteen hundred and thirty-eight); and no person shall manufacture, make, produce, pack, package, or prepare any such preparations without first obtaining a permit so to do from the Virginia Board of Pharmacy. Such permits shall be subject to such rules and regulations, with respect to sanitation and equipment, as the said board of pharmacy may from time to time adopt for the protection of the public health and safety.

Sec. 2. Permits issued under the provisions of this section shall be exposed in a conspicuous place in the factory or place for which issued. Such permits shall not be transferable, shall expire on the last day of December following the date of issue, and shall be renewed annually.

Sec. 3. The application for such permit shall be made on a form to be prescribed and furnished by the said Virginia Board of Pharmacy and shall be accompanied by the required fee of five ($5) dollars, which amount shall also be paid as the fee for each renewal of such permit. Separate applications shall be made and separate permits issued for each separate place of manufacture, making, production, packing, packaging or preparation.

Sec. 4. The Virginia Board of Pharmacy may revoke a permit for failure to comply with its rules and regulations promulgated pursuant to the provisions of section one hereof. Any person aggrieved by any action taken by the said board of pharmacy under the provisions of this act shall be entitled to have his complaint set down for hearing by said board. Requests for such hearings shall be made in writing and shall specify in detail the basis for the complaint, and the hearing shall be held within ten (10) days from the date of the receipt of said request

by the said board, or its authorized agent, unless postponed by mutual agreement.

Any person aggrieved by any order of the said board of pharmacy, entered after such hearing, may appeal therefrom to a court of record of the place of his residence, at any time within thirty (30) days after the entrance of the said order; and upon said appeal, the court shall hear and determine the issues raised thereby de novo.

Sec. 5. Any person, firm or corporation, except a registered pharmacy, who shall manufacture, make, produce, pack, package or prepare within this State drugs, medicines, toilet articles, dentifrices or cosmetics without a permit or after revocation thereof, shall, be fined not less than fifty ($50) dollars, nor more than five hundred ($500) dollars for each offense.

Sec. 6. Nothing in this section shall be construed to apply to the proprietor of a registered pharmacy.

CANNABIS SATIVA LAW

CHAP. 212.—An ACT to prohibit the sale, purchase, use, possession, delivery, distribution, transportation, growth, propagation or donation of drugs known as derivatives of plant cannabis sativa (L) and each salt, derivative, compound, mixture or preparation thereof; and to provide punishment therefor. Approved March 21, 1936.

1. Be it enacted by the General Assembly of Virginia, That it shall be unlawful for any person or persons, firm or corporation to purchase, possess, sell, use, deliver, distribute, give away, grow, propagate, exchange or have under his control or in his possession, "cannabis," which includes the following substances under whatever name they may be designated:

(a) Mariahuana in cigarette form, or the dried flowering or fruiting tops or other parts of the pistillate or staminate plant cannabis sativa (L) or any other variety of cannabis from which the resin (cannabine) or other active principles have not been extracted.

(b) The resin or other active principles extracted from such tops or other parts of the plants.

(c) Every compound, manufacture, salt, derivative, mixture or preparation of such resin or other active principles or of such tops or parts from which the resin and active principles have not been extracted.

All varieties of cannabis and mariahuana (when not used in accordance with a physician's directions) are hereby declared dangerous, detrimental to the public health and a nuisance, and their cultivation or growth within the limits of the State of Virginia is hereby declared unlawful and prohibited.

However, nothing in this act shall be construed as applying to licensed growers, licensed manufacturers of drugs and medicinal supplies, licensed wholesalers of drugs, owners of licensed pharmacies, licensed hospitals or other licensed institutions for the care of the sick under the supervision of a licensed physician, or to registered wholesale and retail pharmacists, or to licensed physicians, dentists and veterinarians who are registered, licensed and authorized to practice their professions under the laws of the State of Virginia when cannabis (and similar plants) or the parts, preparations and compounds thereof are grown, possessed, purchased, sold, delivered, distributed, transported or prescribed for medicinal purposes.

Any person or persons violating any of the provisions of this act shall, upon conviction, be punished, for each offense, by imprisonment in the penitentiary not exceeding ten years or not less than one year, or by confinement in jail for not more than twelve months and by a fine of not more than one thousand dollars, or by both such fine and imprisonment, in the discretion of the court or jury.

Rules and Regulations

Rules and Regulations Adopted by the Board of Pharmacy of the State of Virginia for the Enforcement of the Pharmacy and Drugs Act.

(Revised June 15, 1938)

Titles, Definitions

REGULATION 1. *Short Title of the Act.*—The Act, entitled "An Act to regulate the practice of pharmacy and the composition, branding, possession, dispensing and sale of drugs, poisons and narcotics and to repeal certain existing acts in relation thereto," approved 14th March, 1908, shall be known and referred to as "The Pharmacy and Drugs Act, 14th March, 1908."

REGULATION 2. *Definitions.*—For the interpretation of "The Pharmacy and Drugs Act, 14th March, 1908," and these rules and regulations, definitions and constructions have been adopted as follows:

(a) The word "board," when used in these regulations without other qualification, shall mean The Board of Pharmacy of the State of Virginia.

(b) The word "person," shall be construed to import both the plural and singular, as the case demands, and shall include individuals, partnerships, corporations, companies, societies and associations.

The personal and possessive pronouns of the masculine gender, as herein used, shall be deemed to include also the like pronouns of the feminine gender.

(c) The term "drug," includes (a) all substances and preparations recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any official supplement to any of them; and (b) all substances and preparations intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (c) all substances, and preparations, other than food and cosmetics, intended to affect the structure or any function of the body.

(d) The term "patent or proprietary medicines," shall include only medicines prepared according to a private formula or a secret process or under a trade-mark of the manufacturer or owner, and sold under a trade name in an original package on the label of which appear the disease or diseases for which the medicine is intended to be used and specific directions for its administration.

(e) The term "cosmetic," includes all substances and preparations intended for cleansing, or altering the appearance of, or promoting the attractiveness of, the person, except soap.

(f) The term "original package," shall be construed to mean the original carton, case, can, box, bottle, vial or other receptacle, put up by the manufacturer or wholesaler with his label attached, making one complete package of the drug article.

(g) The term "label," means the principal display or displays of written, printed, or graphic matter (1) upon any drug or cosmetic, or the immediate container thereof, and (2) upon the outside container or wrapper, if any there be, of the retail package of any drug or cosmetic.

(h) The term "labeling," includes all labels and other written, printed and graphic matter, in any form whatsoever, accompanying any drug or cosmetic.

(i) The term "advertisement," includes all representations of fact or opinion disseminated to the public in any manner or by any means other than by the labeling.

(j) The term "official compendium," means the United States Pharmacopoeia, Homeopathic Pharmacopoeia of the United States, National Formulary, or any supplement to any of them, official at the time any drug to which the provisions thereof relate is introduced into commerce.

(k) The word "pharmacy," shall include every place (except as hereinafter provided) in which drugs, medicines or poisons are retailed or dispensed, or are displayed for sale at retail, or are kept in stock in other than manufacturers' or wholesalers' original packages, or in which physicians' prescriptions are compounded.

(l) The term "temporary absence," as used in this act, section 1681, shall be construed to mean an absence from the pharmacy over which said registered pharmacist has personal supervision of less than one-half the hours that said pharmacy is open to the public for business.

(m) The word "prescription," or the plural form of the word, occurring in any law relating to the regulation of the practice of pharmacy shall be construed to designate a written order by a duly licensed physician, dentist or veterinarian, calling for a drug or any combination or preparation containing a drug or drugs, and to which is appended the prescriber's signature.

Examinations, Certificates, Permits and Fees

REGULATION 3. *Where and When Examinations Are to Be Held.*—All examinations for registered pharmacists will be held in the city of Richmond upon such dates as the board may designate at its annual meeting in April, and the said examinations shall be not more than six months apart.

REGULATION 4. *Applications for Examination.*—All applications for examination shall be made upon blank forms which will be furnished by the secretary of the board on request. Said application in the required form must be filed with the secretary at least ten days prior to the examination. The application shall give the full name and age of the applicant, the place or places at which he has studied pharmacy, the time spent therein, his experience in compounding physicians' prescriptions under the direction of a registered pharmacist, and evidence of having completed required school work, or its equivalent, and must be verified by the oath of the applicant.

REGULATION 5. *Registered Pharmacists.*—Applicants for certificates as registered pharmacists, must be at least twenty-one (21) years old, and of good moral character. They must furnish proof that they have had at least four years' high school preparation, or its equivalent; and they must have graduated from some school or college of pharmacy approved by this board, and shall pass an examination satisfactory to a majority of the board.

Reciprocity

REGULATION 6. *Certificates from Other States.*—The board may, without examination of the applicant, issue a certificate as registered pharmacist, when the applicant presents satisfactory proof to the board that upon examination he has been duly licensed or registered as a registered pharmacist, in any other State or Territory in the United States, or in the District of Columbia;

that his qualifications are such as entitle him to the certificate; that the standards of such State or Territory, or District of Columbia in such matters are equal to those required in this State, and that such State, Territory, or District of Columbia accords similar recognition to the licentiates of this State.

The Board of Pharmacy of Virginia reciprocates upon a basis of Registered Pharmacist certificates with the following States:

Alabama	Iowa	Nebraska	Rhode Island
Arizona	Kansas	Nevada	South Carolina
Arkansas	Kentucky	New Hampshire	South Dakota
Colorado	Louisiana	New Jersey	Tennessee
Connecticut	Maine	New Mexico	Texas
Delaware	Maryland	North Carolina	Utah
District of Columbia	Massachusetts	North Dakota	Vermont
Florida	Michigan	Ohio	Washington
Georgia	Minnesota	Oklahoma	West Virginia
Idaho	Montana	Oregon	Wisconsin
Illinois	Mississippi	Pennsylvania	Wyoming
Indiana	Missouri	Porto Rico	

upon the following conditions:

1. Applicant must be at least 21 years of age.
2. Applicant must have been a *bona fide* resident and engaged in the retail drug business in the State in which he was examined for not less than 12 months immediately PRIOR to date of his certificate.
3. Applicant must have practiced as a registered pharmacist for not less than 12 months SINCE the date of his certificate from the State board by which he was examined.

(NOTE.—Experience as required by sections 2 and 3 must be established by affidavits from employers.)

4. Applicant must have passed an examination in Practical Pharmacy—actual laboratory work—making a grade of at least 75 per cent; and examinations in Theoretical Pharmacy, Materia Medica, Chemistry, and Pharmaceutical Mathematics, with a general average of not less than 75 per cent, and not less than 60 per cent on any theory subject.
5. Applicant must be in good standing in the State from which he applies.
6. Applicant must have graduated from a school of pharmacy approved by The Board of Pharmacy of Virginia, after having satisfactorily completed a four-year high school course.
7. Applicant must appear before board in person at time his application is passed upon.
8. The Board of Pharmacy of Virginia will not certify to reciprocal applications of Virginia Registered Pharmacists (a) unless the applicant has been registered by this board for not less than 12 months; (b) unless the applicant is in good standing in this State.

NOTE.—This board does not furnish reciprocity application blanks. They may be procured from the Secretary of the National Association of Boards of Pharmacy, 130 North Wells Street, Chicago, Ill. A fee of $35.00 must accompany request for blank, and information telling in which State the applicant wishes to register should be furnished the Secretary. The application must be properly certified by the board which examined the applicant, and the moral character vouchers properly filled out. Then forward to the secretary of this board with the fee of $25.00. All applicants are passed upon by the board during regular meetings, and if for any reason they are rejected, the fee paid this board is returned, and a partial return is made of the fee paid the National Secretary.

A fee of $1.00 is required by this board for certifying to the registration of candidates for reciprocal registration with other States. This fee is not returnable. PERSONAL CHECKS MUST BE CERTIFIED.

Permits Registering Pharmacies

REGULATION 7. *Registration of Pharmacies.*—The board of pharmacy shall provide for the annual registration of every pharmacy doing business in the State; the proprietor or manager of every pharmacy opening for business shall before beginning business make application to the board of pharmacy for registration, and the board shall issue a permit to applicants entitled to receive same. It shall be unlawful for any pharmacy to do business until registered by the board of pharmacy. The fee for such registration, whether original or annual, shall be two dollars.

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1. The permit registers the pharmacy to which it is issued and is not transferable. It is issued to the pharmacy on the application of the owner or the registered pharmacist in charge, on the sworn statement that it will be conducted in accordance with the provisions of law, which in Section 1681, Code of 1919, requires that a registered pharmacist be in personal charge of the pharmacy, and that during his temporary absence a registered as-

sistant pharmacist may be left in charge. "Temporary absence" is defined to mean absence from the pharmacy of fewer than half the hours the pharmacy is open for business. A pharmacy in order to be entitled to registration must satisfy the board by sworn statement in the application that it will comply with the above requirements.

2. In the case where a pharmacy is owned and operated by a person himself a registered pharmacist, the permit will be issued in the name of the registered pharmacist in charge, on his affidavit that the pharmacy will be operated in accordance with provisions of law. A corporation must secure a permit in the name of the registered pharmacist in charge.

3. Where a registered pharmacist in whose name a permit has been issued to a pharmacy by which he is employed leaves the employment of such pharmacy he will be held responsible for proper notification of such termination of his services in said pharmacy, and also for the surrender of the permit issued to said pharmacy in his name. Neglect on his part to so notify the board and surrender the void permit will operate to prevent his securing a permit to take charge of or operate another pharmacy at a subsequent date. Two permits will not be issued simultaneously in the name of a single individual.

4. When the registered pharmacist in whose name a permit has been issued to a pharmacy for any reason ceases to be actually the registered pharmacist who has responsible supervision over said pharmacy the permit becomes void, and must be surrendered to the board for filing before a duplicate permit will be issued to said pharmacy. Where there is merely a change of registered pharmacists, one replacing the other as the pharmacist in charge of a pharmacy, a duplicate permit will be issued upon proper application without additional fee.

5. When a Pharmacy changes ownership the original permit becomes void and must be surrendered to the board, and a new permit secured by the new owners. This holds true in such cases as when there is no change in the name of the pharmacy or in the registered pharmacist in charge of the pharmacy. Pharmacies passing to new ownerships are regarded in the light of new enterprises. Pharmacies opening for business must first secure a permit to conduct a pharmacy and be registered with the board of pharmacy before they may lawfully conduct a pharmacy. A fee of two dollars is charged for issuing such original permits.

6. All pharmacies must register with the board annually and secure an annual permit. The annual registration takes place on January 1 of each year.

7. Permits must be posted in a conspicuous place in the pharmacy to which they are issued. This requirement is not met when a permit is locked in a safe, placed in a desk drawer, or otherwise hidden away.

8. Permits are numbered and are issued in the order in which applications are received. The board cannot undertake to supply applicants with the same numbered permit from year to year.

Regulating One-Pharmacist Pharmacies.

Regulation 8.

1. The owner of the business or the pharmacist making application for a permit to conduct a pharmacy must agree to place his entire stock of prescription drugs, chemicals and preparations used in compounding medicines and prescriptions, including all poisons, narcotic drugs, hypnotic drugs and all opened package drugs, liquids, tablets, pills, or preparations of whatever character the dispensing or sale of which is restricted to a registered pharmacist, in a room or adequately partitioned-off section of the pharmacy, separate from the room in which the general merchandise stock of the store is kept.

2. If the above-mentioned stock of prescription drugs and other preparations cannot be segregated in a separate room, having partitions or walls extending from the floor to the ceiling, with a door or doors which can be closed and locked, then the partitioned-off section required to be regarded as adequate for the purpose of the restrictions herein imposed, must have walls or partitions extending from the floor of the store room to a height of not less than eight feet, and must be provided with a door or doors which can be locked when required.

3. The door or doors to the said room or partitioned-off section must be provided with locks and keys in workable condition at all times, and excepting such door or doors as specified here, there shall not be any other means of access to such prescription room or partitioned-off section. The pharmacist in charge of the pharmacy to whom the permit to conduct a pharmacy is granted by this board shall at all times carry the key or keys to such prescription department.

4. When the above requirements are faithfully complied with it will be lawful for the pharmacist in charge of such pharmacy to be temporarily absent from the pharmacy without the necessity of closing the merchandising section of the store, but in addition to the above conditions, during such temporary absences as are regarded as necessary, the prescription room or partitioned-off section must be completely locked up so as to exclude any person from entering it for any purpose until the return of the pharmacist to duty, and a conspicuous sign with letters not less than three inches in height, reading "DRUG AND PRESCRIPTION DEPARTMENT CLOSED" or "PHARMACIST TEMPORARILY ABSENT" must be posted in the front section of the store where the public may see it.

5. "Temporary Absence," as applied to one-pharmacist stores, is defined to mean not more than a total of one-fourth the number of hours the pharmacy is open for business daily.

Physicians' Permits

REGULATION 9. *Permits to Physicians.*—The board will, without examination of the applicant, grant to a duly qualified and regularly licensed physician of good character, a permit for a time not longer than one year to compound and sell medicines, fill prescriptions and sell poisons, duly labelling the same as required by the Pharmacy and Drugs Act, 14th March, 1908, in rural districts and in towns having a population of one thousand, or less; provided, there is a public need of a pharmacy in such locality, and the applicant will give the board satisfactory assurances that the pharmacy will be conducted by him in accordance with law, and will be regularly open to the public for business during such hours in each day as the board may prescribe, and that all drugs, poisons, narcotic drugs and opened packages, bottles or other containers of such drugs will be kept in a room separate from general merchandise stock, and that during his physical absence from the pharmacy this room will be locked up and not be accessible to any other persons, and to post a sign during his absence reading: "Prescription Department Closed."

Merchants

REGULATION 10. *Merchants and Retail Dealers.*—Merchants and retail dealers may sell the following medicines, but only in original unbroken packages, conforming in all respects to the Pharmacy and Drugs Act, 14th March, 1908, as amended, namely: non-poisonous domestic remedies in original unbroken packages, put up by manufacturers, and wholesale dealers; copperas, Paris green, bluestone, carbolic acid, London purple, calomel, sweet spirits of nitre, paregoric, tincture iron, quinine, in manufacturers' or wholesalers' original unbroken packages; and proprietary medicines in original unbroken packages, but a medicine, properly designated as a proprietary medicine, must contain in the label of the original package, a distinct statement of the disease, or diseases for which it is intended to be used, and specific directions for its administration; and they may also sell alum, borax, sulphur, cream tartar, copperas, salt petre and epsom salts in broken packages, or packages not original, provided, the packages or containers in which they are sold by the merchant or retail dealer have printed or written upon them the name of the article sold and the name and address of the seller; and merchants and retail dealers may also sell insecticides and poisons used for the destruction of pests and other forms of disease in trees and plants, but the same shall be sold in original packages, labeled as required by section 1691 of the Code; and it is unlawful for merchants and other dealers other than registered pharmacists and registered assistant pharmacists to sell pills, tablets, or other medicated units except in the manufacturer's or wholesaler's original unbroken package, or elixirs, tinctures, medicated extracts, medicated syrups, emulsions, or any other medicinal liquid preparation by measure of less than one original manufacturer's or wholesaler's unbroken package, bearing the original label.

Permits, Revocations, Displaying, Fees

REGULATION 11. *Permits to Pharmacists Registered in Other States.*—When an applicant for a certificate, as a registered pharmacist, has been duly registered in another State, and, wishing to practice pharmacy in this State, makes application therefor, the secretary of the board, if he is satisfied as to the good character and professional attainments of the applicant, will, without examination of the applicant, grant him a permit to practice pharmacy until the next meeting of the board for the examination of applicants, but not longer without the consent of each member of the board.

REGULATION 12. *Revocation of Certificates and Permits.*—When the holder of any certificate, or permit, granted by the board, shall have obtained the same by fraud, or misrepresentation, or shall become incompetent or unfit to hold the certificate or permit, by reason of negligence, bad habits, mis-

conduct, wilful and repeated violations of law or the rules and regulations of the board, or by any other cause, the board shall, after notice to such holder, and after an opportunity has been given to him to be heard, revoke and annul the certificate or permit, and upon notice of such action by the board, the said holder shall immediately surrender and return his certificate, or permit to the board.

REGULATION 13. *Annual Renewal of Certificate and Permits.*—If any holder of a certificate or permit desires to continue the business authorized thereunder for another year, he shall, at the end of the fiscal year of the board, apply to the board for such renewal, paying the usual fee for same, and the board shall grant the same, unless there is good reason for not granting it.

REGULATION 14. *Display of Certificates, Permits and Renewals.*—Every holder of a certificate or permit from the board shall, at all times, keep the same and the current renewal thereof, posted conspicuously in the place where he does business, and, when he changes his place of businss, he shall promptly give written notice of such change to the secretary of the board, who shall keep a record thereof, and, if he fails to give such notice within thirty days after the change, the certificate or permit held by him shall thereby be suspended and inoperative, but subject, however, to reinstatement by the board at its pleasure, upon application for such reinstatement. Every proprietor, owner or manager of a pharmacy shall at all times require registered pharmacists or registered assistant pharmacists in their employ to post their certificates of registration, and the current renewal thereof, in a conspicuous place, convenient for public inspection, in the place where he does business.

REGULATION 15. *Fees.*—The fee for the original certificate as registered pharmacist shall be twenty-five dollars, and the fee for a permit to a physician shall be twenty-five dollars. The fee for registration as a pharmacist under reciprocity shall be twenty-five dollars. The annual fee for each renewal of a certificate, or registration of such renewal, and for each renewal of a permit shall be two dollars.

In all cases said fees shall be paid in cash to the secretary of the board at the time the application is made for the certificate, permit, or annual renewal, and in no case shall any part of said fees be returned or refunded to the applicant, except when the certificate, permit, or renewal is refused without an examination of the applicant, as to his knowledge of pharmacy.

REGULATION 16. *Record.*—The board shall keep a permanent record of all certificates, permits, and renewals, issued by it, with the names and addresses of the holders thereof, and this record shall be open to the public for examination.

Adulteration and Misbranding

REGULATION 17. *Collection of Samples.*—Samples of drugs may be received or collected by the secretary, or any member of the board, or by any agent appointed by the secretary, or board. Samples may be purchased in the open market. Samples may when deemed proper be analyzed under authority of the board. In cases warranting such action in the opinion of the board, hearings may be held, after due notice to the party or parties interested. Such hearings shall be private. Where the evidence justifies the finding obtained at such hearings may be certified to the Commonwealth's attorney having jurisdiction for prosecution of the offender. When a judgment of the court shall have been rendered, and no appeal taken therefrom within thirty days, there may be a publication of the findings of the examiner, or analyst, together with the findings of the court.

Adulteration

REGULATION 18. *Standard for Drugs.*—Every drug bearing a name recognized in the United States Pharmacopoeia or National Formulary, without any

further statement respecting its character, shall be required to conform in strength, quality, and purity to the standards prescribed, or indicated for a drug of the same name, recognized in the United States Pharmacopoeia or National Formulary, official at the time.

No drug bearing a name recognized in the United States Pharmacopoeia or National Formulary, and plainly branded or marked upon the bottle, box, or other containing package thereof to show a different standard of strength, quality or purity, shall be regarded as adulterated, if it conforms to its declared standard.

Misbranding

REGULATION 19. *Label.*—An article shall be deemed to be misbranded: if it fail to bear a label designating the name of the preparation as put up for sale, or drug contained in the package, and in addition thereto the name and address of the producer.

If it be an imitation of, or offered for sale under the name of another article, or if it be so labeled or branded as to deceive or mislead the purchaser, or purports to be a foreign product when not so.

If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package without proper alteration of the original label.

If the label fails to bear a statement of the quantity of alcohol, or other drugs enumerated in section 1664 of chapter 70 of the Code of 1919, as amended.

If the label is printed in other than the English language, except in instances where the product is in fact of foreign origin; and the name of the product appears in type smaller than 8-point face caps, except that where no other type on the label is so large, then the name of the product may appear in smaller type, but not smaller than the largest type used on such label.

REGULATION 20. *Substances Named, Quantity or Proportion.*—The term "alcohol" used in the act and regulations means grain or ethyl alcohol. No other kind of alcohol is permissible in the manufacture of drugs, except as specified in the United States Pharmacopoeia or National Formulary, latest revisions.

In the statement of the quantity or proportion of drugs required by the act, the statement of the maximum quantity or proportion will meet the requirements, provided the maximum quantity stated does not vary materially from the average quantity or proportion. In case the actual quantity or proportion is stated, it shall be the average quantity or proportion. Quantities and proportions may be stated in either the metric or avoirdupois systems, or in both.

Quantities or proportions of neither drugs nor cosmetics need be shown on the label where the *measure* is less than one fluidounce or the *weight* less than one avoirdupois ounce or the *count* less than ten.

Poisons

REGULATION 21. *Sale and Dispensing of Poisonous Drugs.*—The poisonous drugs enumerated in section 1691 of chapter 70 of the Code of 1919, as amended, and all other deadly poisons shall be sold and dispensed at retail by persons having authority to sell or dispense medicines or poisons, only under the restrictions and conditions following, namely:

(a) The name of such medicine, the word "poison," the name and place of business of the seller, and at least one of the most readily obtainable effective antidotes of such poisonous medicine, shall be distinctly labeled on the bottle, box, vial, or paper containing the poison.

(b) Such medicine shall not be sold or delivered until it be found by due enquiry that the purchaser is aware of its poisonous nature.

(c) Such medicine shall not be sold or delivered to any person under sixteen years of age, except upon the written order of some responsible adult.

But the foregoing provisions of this regulation shall not apply

(d) To the dispensing of poisons in usual doses on prescriptions of physicians, dentists, or veterinary surgeons, when prepared and dispensed in accordance with The Pharmacy and Drugs Act, 14th March, 1908;

(e) To preparations containing any of the poisonous medicines named in this regulation, when a single box, bottle, or other package thereof, or when the *bulk* of one-fourth fluid ounce, or the *weight* of one-fourth avoirdupois ounce thereof does not contain more than an adult medicinal dose of such poisonous medicine.

Narcotics

REGULATION 22. *Narcotic Drugs.*—No person shall sell, furnish, give away, possess or handle any of the narcotic drugs mentioned in the Uniform Narcotic Drug Law, except as specifically provided for in the statute, and in addition thereto in accordance with Federal narcotic laws.

Biologicals

REGULATION 23. *Biologicals.*—All persons authorized to keep and sell biological products and preparations shall at all times keep such products and preparations properly stored and refrigerated under temperature conditions specified for such products, and shall not offer for sale or dispense any such biological products or preparations after the expiration date of their potency and effectiveness, as designated on the label.

Insecticides

REGULATION 24. *Insecticides.*—No person, firm, corporation, partnership, or association, shall give away, sell, or offer for sale, or use as an insecticide or exterminator, any sodium fluoride in powder form, or any preparation in powder form containing sodium fluoride or other salt of hydrofluoric acid, unless said powders are so distinctly colored Nile green or Nile blue as to be readily distinguished from a white powder.

This regulation shall not be construed to apply to the use of compounds or preparations of fluorine, or to the use of salts of hydrofluoric acid used for industrial or agricultural purposes.

Complaints, Amendments

REGULATION 25. *Complaints.*—All complaints of the violation of "The Pharmacy and Drugs Act of 14th March, 1908," should be referred to the secretary of the board, or to some member of the board.

REGULATION 26. *Alteration and Amendment of Regulations.*—These regulations may be altered or amended and new ones made at any time, without previous notice, by the board in meeting duly assembled.